

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

LA UNIÓN DEL PUEBLO ENTERO, *et al.*,

Plaintiffs,

v.

THE STATE OF TEXAS, *et al.*,

Defendants.

Civil Action No. 5:21-cv-844 (XR)
(Consolidated Cases)

SECOND STIPULATED EXTENSION OF EXPERT DISCOVERY DEADLINE

Pursuant to this Court's standing instruction, *see* Fact Sheet for Judge Xavier Rodriguez ¶ 34, Plaintiff the United States of America (United States) and Defendants the State of Texas and Secretary of State John Scott (State Defendants) hereby stipulate that:

1. This Stipulation aims to align all expert discovery deadlines for the United States and State Defendants in this action with the deadlines stipulated by the Private Plaintiffs, State Defendants, and County Defendants in the consolidated litigation. This Stipulation supplements and does not supersede the Stipulated Extension of Expert Discovery Deadline (First Stipulation), ECF No. 161, which applied only to experts relying on database extracts produced by State Defendants.
2. On December 22, 2021, the United States and State Defendants filed the First Stipulation. The First Stipulation included provisions stipulating that the United States shall file its designation of any testifying expert who relies on database extracts produced by Defendants and shall serve, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) on or before February 28, 2022, and the State of Texas and Secretary of State

John Scott shall file their designation of any testifying expert responding solely to the United States' expert or experts who rely on database extracts produced by Defendants and shall serve, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) on or before March 23, 2022. *Id.* ¶¶ 2-3.

3. On January 25, 2022, Plaintiffs La Unión del Pueblo Entero, *et al.* (Private Plaintiffs), State Defendants, and Defendants Travis County, Harris County, Bexar County, El Paso County, Dallas County, and Hidalgo County (County Defendants) filed a Stipulated Extension of Expert Discovery Deadline, ECF No. 209. In substantive part, that stipulation provides:

- a. Private Plaintiffs shall file their designations of testifying experts and shall serve, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) on or before February 28, 2022.
- b. State Defendants and County Defendants shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) on or before March 23.
- c. Private Plaintiffs, State Defendants and County Defendants shall file all designations of rebuttal experts and serve on all parties the material required by Fed. R. Civ. P. 26(a)(2)(B) for such rebuttal experts, to the extent not already served, within fifteen (15) days of receipt of the report of the opposing expert (April 7).
- d. The deadline for filing supplemental reports required under Fed. R. Civ. P. 26(e) remains April 29, 2022, as set out in the Court's scheduling order (ECF No. 125).

4. The United States and State Defendants now enter into this stipulation for the purposes of further amending the designation date for testifying experts as set out in Paragraphs 5 – 8, below.
5. The United States shall file their designations of testifying experts and shall serve, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) on or before February 28, 2022.
6. State Defendants shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) on or before March 23.
7. The United States and State Defendants shall file all designations of rebuttal experts and serve on all parties the material required by Fed. R. Civ. P. 26(a)(2)(B) for such rebuttal experts, to the extent not already served, within fifteen (15) days of receipt of the report of the opposing expert (April 7).
8. The deadline for filing supplemental reports required under Fed. R. Civ. P. 26(e) remains April 29, 2022, as set out in the Court's scheduling order (ECF No. 125).
9. Nothing in this stipulation shall waive any party's rights, defenses, or objections except as specifically described, and nothing in this stipulation shall affect the May 13, 2022 deadline for completion of discovery in the Court's Scheduling Order, ECF No. 125.

Date: January 28, 2022

For the United States of America

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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Michael E. Stewart

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